

GENERAL FORMS USED IN DISTRICT COURT

State of Alabama
Unified Judicial System

Form SM-1-DV Rev. 2/01

**STATEMENT OF CLAIM
(Complaint)
General**

CASE NUMBER

IN THE DISTRICT COURT OF JEFFERSON COUNTY

Plaintiff
Address

Against

Defendant
Address

Attorney
Address

Additional
Defendant

NOTICE TO EACH DEFENDANT – READ CAREFULLY

YOU ARE BEING SUED IN THE DISTRICT COURT BY THE PLAINTIFF(S) SHOWN ABOVE. THE JUDGE HAS NOT YET MADE ANY DECISION IN THIS CASE, AND YOU HAVE THE RIGHT TO A TRIAL TO TELL YOUR SIDE.

HOWEVER, IF YOU, OR YOUR LAWYER, FAIL TO MAKE AN ANSWER AND DELIVER OR MAIL IT TO THE CLERK AT THE ADDRESS SHOWN BELOW, SO THAT IT WILL GET TO THE CLERK'S OFFICE WITHIN FOURTEEN (14) DAYS AFTER YOU RECEIVE THESE PAPERS, A JUDGMENT CAN BE TAKEN AGAINST YOU. ONCE A JUDGMENT HAS BEEN ENTERED AGAINST YOU, YOUR PAYCHECK CAN BE GARNISHED AND/OR YOUR HOME OR PROPERTY SOLD TO SATISFY THAT JUDGMENT.

COMPLAINT

1. I claim the defendant owes the plaintiff the sum of \$_____ because:

2. Plaintiff also claims from the defendant court costs in the sum of \$_____ (see note below), plus \$_____ for interest and \$_____ for lawyers fees (**only** if plaintiff is represented by a licensed, practicing attorney and if the contract or note you signed so provides).

NOTE: The total amount of court costs may be more than this amount when the case is finally settled. The clerk will inform you of any additional costs at the close of the case.

Anne Marie Adams

By:

Clerk

Plaintiff or Attorney (Signature)

CLERK DISTRICT COURT OF JEFFERSON COUNTY, CIVIL
ADDRESS: ROOM 500
716 RICHARD ARRINGTON JR BLVD N

INSTRUCTIONS TO THE PLAINTIFF(S)

This is your case, and if you are acting as your own lawyer, you are responsible in seeing that your claim is successfully presented at each stage of the procedure until it is concluded.

The Clerk of the Court has a handbook which tells you how to handle a Small Claims case. That book is free to you on request. If you need any additional help, ask the Clerk assigned to Small Claims cases.

1. You must complete one of these forms for each defendant you wish to sue. Each defendant must be described by his correct legal name and address not a post office box). Be as brief as possible but include every important name, date and place.
2. To start your case you must file the completed form with the Clerk assigned to Small Claims cases. The Clerk will stamp a copy for you to show that the case has been filed and will insert the number of the case on the front of this form.
3. You are responsible for seeing that each defendant receives a copy of this form. If you haven't heard from anyone about the case in about fourteen days, then check with the Clerk's office, to make sure that each defendant has been served.
4. If any of the defendants ask for a trial, you will be notified of the place, the date, and the time. You must be present or your case will be dismissed. You may take a judgment by default fourteen (14) days after the defendant has received a copy of this form, if the defendant fails to file his Answer.
5. You are responsible to see to the enforcement of any judgment that is awarded to you. The Small Claims Handbook will tell you how to go about recovering your money.

ANY TIME YOU CONTACT THE CLERK ABOUT THIS CASE YOU MUST REFER TO THE CASE NUMBER ON THE FRONT.

PERSONAL SERVICE: served on the defendant(s) named _____
by delivering a copy of the summons and complaint to him.

DATE SERVED _____

CONSTABLE _____

PROCESS SERVER _____

SERVICE ON DEFENDANT BY AUTHORIZED AGENT AT RESIDENCE: service of process on person SUI JURIS served the defendant(s) named _____ a copy of the summons and complaint on an authorized resident of said household.

DATE SERVED _____

_____ served for _____ defendant(s)
(person served)

_____ is of suitable age and is an resident of said household or is
(person served) an authorized agent.

CONSTABLE _____

PROCESS SERVER _____

SUMMONS

INSTRUCTIONS TO SHERIFF OR PROCESS SERVER

To Any Sheriff or Any Person Authorized by Rule 4.1 (b) (1) or 4.1 (b) (2) or 4 (c) (1) of the Alabama Rules of Civil Procedure to Effect Service in the State of Alabama:

You are hereby commanded to serve this summons and a copy of the Statement of Claim in this action upon the defendant named on the reverse side and make proper return to this court.

State of Alabama Unified Judicial System Form: C-59J Rev. 2/01	STATEMENT OF CLAIM (COMPLAINT) Unlawful Detainer §§ 6-6-310 et seq., Code of Alabama 1975	CASE NUMBER
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IN THE DISTRICT COURT OF JEFFERSON COUNTY

PLAINTIFF
(Lessor)

vs. DEFENDANT & ADDRESS
(Lessee)

ADDRESS:

ATTORNEY:
ADDRESS

NOTICE TO EACH DEFENDANT – READ CAREFULLY

You are being sued by the Plaintiff(s) shown above. THE JUDGE HAS NOT YET MADE ANY DECISION IN THIS CASE, AND YOU HAVE THE RIGHT TO A TRIAL TO TELL YOUR SIDE.

HOWEVER, IF YOU FAIL TO TAKE ANY ACTION TO PROTECT YOUR RIGHTS WITHIN 7 DAYS AFTER THESE PAPERS WERE EITHER DELIVERED OR MAILED TO YOU, (see the reverse side of these papers to find the day of mailing) A COURT JUDGMENT CAN BE TAKEN AGAINST YOU FOR THE THINGS DEMANDED IN THE FOLLOWING COMPLAINT. THIS COULD LEAD TO EVICTION, PLUS GARNISHMENT OF YOUR PAYCHECK AND/OR SALE OF YOUR BELONGINGS IF NOT PROTECTED BY LAW, TO SATISFY THIS COURT JUDGMENT.

TO PREVENT THIS, YOU OR YOUR LAWYER MUST WRITE OUT AND SIGN AN "ANSWER", EITHER ADMITTING OR DENYING WHAT IS SAID IN THIS COMPLAINT BELOW, AND DELIVER OR MAIL A COPY OF YOUR ANSWER TO THE COURT, AT THE ADDRESS BELOW, SO IT WILL ARRIVE AT THE COURT WITHIN 7 DAYS AFTER THIS COMPLAINT WAS EITHER DELIVERED OR MAILED TO YOU. You will then be notified of the time and place of your trial. If you have any claim against the plaintiff(s), you should write it on your Answer. Also, deliver or mail a copy of your Answer to the plaintiff or plaintiff's attorney at the above address. If you have questions concerning this matter, see a lawyer.

1. Plaintiff(s) demands the right to possession from the defendant(s) of the (house) (apartment) or other real property located at _____
in _____ Alabama.
Defendant(s) no longer has the right to possession because:
2. Defendant(s) right of possession of the premises has been lawfully terminated by a proper written notice or as otherwise agreed.
3. Plaintiff(s) also claims the sum of \$ _____ from the Defendant(s) because:

Anne Marie Adams By: _____

Clerk

Plaintiff/Attorney Signature

CLERK
ADDRESS: DISTRICT COURT OF JEFFERSON COUNTY, CIVIL
ROOM 500 COURTHOUSE
716 RICHARD ARRINGTON JR BLVD N

Phone No.: _____

PERSONAL SERVICE: served on the defendant(s) named _____
by delivering a copy of the Summons and Complaint to him.

DATE SERVED _____

CONSTABLE _____

PROCESS SERVER _____

This service by Certified Mail of this Summons and Complaint is initiated upon the request of
_____ pursuant to Rule 4.1 (c) of the Alabama Rules of Civil Procedure.

Date Requested _____ Date Mailed _____

Return Receipt Date _____ By: _____

Clerk

SERVICE ON RESIDENT 19 YEARS OF AGE OR OVER: service of process on person SUI JURIS served
the defendant(s) named _____ a copy of the
Summons and Complaint on an authorized resident of said household.

DATE SERVED _____

_____ served for _____
(person served) defendant(s)

_____ is 19 years of age or over and is a resident of said household.
(person served)

CONSTABLE _____

PROCESS SERVER _____

POSTING OF SUMMONS & COMPLAINT: served on the defendant(s) named _____
by delivering a copy of the Summons and Complaint on the door of the premises.

DATE SERVED _____

CONSTABLE _____

PROCESS SERVER _____

A COPY OF THE SUMMONS & COMPLAINT WAS MAILED BY FIRST CLASS MAIL ON _____

SUMMONS

To Any Sheriff or Any Person Authorized by Rule 4.1 (b) (1) or 4.1 (b) (2) of the Alabama Rules of Civil Procedure
to Effect Service in the State of Alabama:

You are hereby commanded to serve this Summons and Complaint in this action upon the defendant named on
the reverse side and make proper return to this court.

Date _____

Handwritten signature/initials

Case No. _____

THE UNDERSIGNED CERTIFIES THE FOLLOWING:

1. The undersigned is attorney of record for the plaintiff, or is the owner of the subject of this Unlawful Detainer action.
2. The subject property is located within the Birmingham Division of Jefferson County, Alabama.
3. The undersigned represents to the Courts no rents, monies or partial payments have been received on or after date of termination.

ATTORNEY/OWNER

Came the plaintiff on the ____ day of _____, 20____ and upon evidence, judgment by default/ consent/trial for the Plaintiff and against defendant(s) _____ on the Unlawful Detainer. The Court hereby orders and adjudges that the following property, as described in the complaint be restored to the Plaintiff: _____

Rent ascertained to be \$ _____ per month due on the _____ of the month. Rent in the amount of \$ _____ has accrued since date of filing to date.

Pursuant to Rule 54(b) and in order to make this a final order, the Court specifically finds that there is no just reason for delay and specifically directs the immediate entry of judgment as to defendant(s) _____ for property sued for and costs of Court with leave to prove damages against the defendant on the money claim.

JUDGE

Came the plaintiff on the ____ day of _____, 20____ and upon evidence, judgment by default/ consent/trial for the Plaintiff and against defendant(s) _____ on the Unlawful Detainer. The Court hereby orders and adjudges that the following property, as described in the complaint be restored to the Plaintiff: _____

Rent ascertained to be \$ _____ per month due on the _____ of the month. Rent in the amount of \$ _____ has accrued since date of filing to date.

JUDGMENT IN THE SUM OF _____ DOLLARS DAMAGES FOR THE PLAINTIFF WITH WAIVER OF EXEMPTIONS AS TO PERSONAL PROPERTY AND WITH COSTS OF COURT.

JUDGE